

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

PATRICK V. MCKEE,	)	
	)	
Plaintiff	)	
	)	
vs.	)	CAUSE NO. 3:06-CV-141 RM
	)	
SOCIAL SECURITY ADMINISTRATION	)	
OF THE UNITED STATES,	)	
	)	
Defendant	)	

OPINION and ORDER

In its order of February 24, 2006, the court advised the plaintiff, Patrick McKee, that his complaint was deficient, directed him to file a more definite statement setting out the date of the action by the Social Security Administration that formed the basis of his appeal, and deferred ruling on his motion to proceed *in forma pauperis* and his request for counsel pending compliance with that order. Mr. McKee filed a response [Docket No. 7] and a motion for summary judgment [Docket No. 8], but neither provide the information requested or cure the deficiency in Mr. McKee's complaint.<sup>1</sup>

Accordingly, the plaintiff's motion to proceed *in forma pauperis* [Docket No. 2], his request for counsel [Docket No. 3], and the motion for summary judgment [Docket No. 8] are DENIED, and the case is DISMISSED without prejudice.

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<sup>1</sup>Mr. McKee's summary judgment motion seeks the entry of a default judgment based on the defendant's failure to file an answer to his complaint. The complaint, however, has yet to be served upon the defendant in accordance with Fed. R. Civ. P. 4(i)(1), and the defendant's obligation to respond does not begin to run until it has been properly served. See Fed. R. Civ. P. 12(a)(3)(A).

SO ORDERED.

ENTERED: March 20, 2006

/s/ Robert L. Miller, Jr.  
Chief Judge  
United States District Court

cc: P. McKee